REMARKS

This application has been reviewed in light of the Office Action dated July 7, 2005, in which all pending claims received a final rejection. A Request for Continued Examination (RCE) was filed herewith.

Claims 1-10 are presented for examination, of which Claims 1, 4, 5, 8, 9, and 10 are in independent form. Claims 1-10 have been amended to define Applicant's invention more clearly. Favorable consideration is respectfully requested.

The Office Action states that Claims 1, 2, 5, 6, and 9 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,908,467 (Barrett et al.); that Claims 4, 8, and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Barrett et al.; and that Claims 3 and 7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Barrett et al. in view of U.S. Patent No. 6,278,449 (Sugiarto et al.). Applicant respectfully traverses the rejections and submits that independent Claims 1, 4, 5, 8, 9, and 10, together with the claims dependent therefrom, are patentably distinct from the cited references for at least the following reasons.

An aspect of the present invention set forth in Claim 1 is directed to a data processing method performed by a server to provide data to a terminal via a network. The method includes a reception step, a completion step, first and second transmission steps, and a prediction step. According to the method, a request for data loading is received from the terminal. In response to the request for data loading, a discrimination is made as to whether a generation of requested data has completed or is in progress. If the generation of the requested data has completed, the requested data is transmitted to the terminal. If the generation of the

requested data is in progress, an end time of the generation of the requested data is predicted, and the predicted end time and information for requesting data loading again at the predicted end time are transmitted to the terminal.

Barrett et al. is understood to relate to a system for displaying remote information on a terminal. Apparently, the system calculates an estimate of the time it takes to download requested data and sends that estimate to the terminal. The terminal then displays the data to a user.

Nothing has been found in Barrett et al. that is believed to teach or suggest a data processing method performed by a server for providing data to a terminal via a network, wherein the method includes the steps of "predicting an end time of the generation of the requested data if the generation thereof is in progress," and "transmitting the predicted end time and information for requesting data loading again at the predicted end time to the terminal if the generation of the requested data is in progress," as recited in Claim 1. Applicant respectfully submits that Barrett et al. is silent regarding the feature of automatically providing a predicted end time as well as information for requesting data loading again at the predicted end time. Likewise, nothing in Barrett et al. is believed to teach or suggest that the terminal receives from a server a predicted end time and information for requesting data loading again at the predicted end time.

Accordingly, Applicant submits that Claim 1 is not anticipated by Barrett et al., and respectfully requests withdrawal of the rejection under 35 U.S.C. § 102(e). Independent Claims 5 and 9 include features similar to those of Claim 1 and therefore are believed to be patentable for at least the reasons discussed above.

An aspect of the present invention set forth in Claim 4 is directed to a data processing method performed by a terminal to receive data from a server via a network. According to the method, a request for data loading is issued to the server. In response to the request, either the requested data is received or a predicted end time for generation of the requested data together with information for re-issuing the request for data loading at the predicted end time are received, and the requested data or the predicted end time is displayed. A discrimination is made as to whether received data includes the information for re-issuing the request for data loading at the predicted end time. In a case where the received data includes the information for re-issuing the request for data loading at the predicted end time, the request for data loading is re-issued to the server when the predicted end time is reached.

The Office Action points generally to columns 6-9 and states that "Processing art at the time of the invention was made that Barrett implicitly discloses a client requests for a web page/data, an estimate of download time indicia is provided to client along with user-selectable link so that the client know how long it will takes to down load a page and if client wishes to continue request a page then click/or select (i.e. re-issuing request) a user-selectable link equivalent to a re-issuing step disclosed in applicant's specification." Applicant notes, however, that it is now well settled that a "statement that modifications of the prior art to meet the claimed invention would have been 'well within the ordinary skill of the art at the time the claimed invention was made' because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a *prima facie* case of obviousness without some objective reason to combine the teaches of the references." (Emphasis added. MPEP 2143.01.) Additionally, the "mere fact that references can be combined or

modified does not render the resultant combination obvious unless the prior art suggests the desirability of the combination." (MPEP 2143.01.)

Applicant respectfully submits that Barrett et al. fails to suggest or provide motivation for modifying its system to include the features of "receiving from the server in response to the request either requested data or a predicted end time for generation of the requested data together with information for re-issuing the request for data loading at the predicted end time," and "discriminating whether received data includes the information for re-issuing the request for data loading at the predicted end time," and "in a case where the received data includes the information for re-issuing the request for data loading at the predicted end time, re-issuing the request for data loading to the server when the predicted end time is reached," as claimed in Claim 4. Therefore, a *prima facie* case of obviousness has not been established.

Accordingly, Applicant submits that Claim 4 is patentable over Barrett et al., and respectfully requests withdrawal of the rejection under 35 U.S.C. § 103(a). Independent Claims 8 and 10 include features similar to those of Claim 4 and therefore are believed to be patentable for at least the reasons discussed above.

Sugiarto et al. is understood to relate to a system for setting up a configuration file to obtain and transmit information from various remote sources to create a user-formatted personalized display screen. A user sets up a configuration file for generating a personalized display screen by using a menu driven program. Upon selecting a particular website while in the website editing mode of the menu driven program, the chosen website is broken down into its particular elements and displayed on the website editing page. The user then has the option to choose any or all of the elements of that website for use in the personalized display screen. After

editing, the website editing page indicates the estimated time it will take to download the requested information to a terminal when it is requested. Applicant notes that Sugiarto et al. does not explain how this initial estimation of time to download is performed. After leaving the editing mode, a viewing page replaces the website editing page. The viewing page gives the user options to reduce download times of a particular website element by changing parameters like the compression ratio, the font type, or the font size. A new estimated download time is provided to the user after a change. In addition, a refresh button is provided on the viewing page to allow the user to review the changed website element on the screen to ensure that the quality has not been degraded too much.

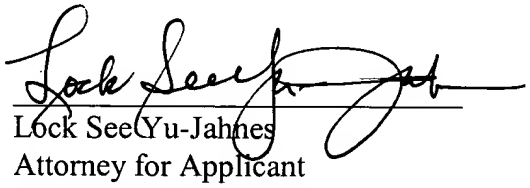
Applicant submits that any permissible combination of Barrett et al. and Sugiarto et al. would fail to teach Applicant's invention as set forth in the claims. As best understood by Applicant, in the Barrett et al. system, just after data is requested, an estimated download time is calculated from the response time of a test message sent by a server to a site that contains the requested data. The estimated download time then is sent to the requesting terminal by the server while it is retrieving the requested data. The data then is sent by the server to the terminal. However, if the process is faulty in any respect and the data does not get sent to the terminal, the process ends. In the Sugiarto et al. system, the download time for a requested set of data is generated for each website element requested while editing the configuration screen. The estimated download time is not generated when the website is accessed, nor is the download time ever sent to the user again or otherwise used in any manner. Applicant submits that Sugiarto et al. fails to remedy the deficiencies of Barrett et al.

The other rejected claims in this application each depend from one or another of the independent claims discussed above and are therefore believed to be patentable for the reasons discussed above. Because each dependent claim is also deemed to define an additional aspect of the invention, however, individual consideration of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable consideration and allowance of the present application.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,



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